THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

Writ Petition No.25306 of 2004

ORDER:

1 This petition is filed to declare the action of the respondents in registering a case in Crime No.30 of 2004 against the petitioner under Sections 403, 406, 408, 417 and 420 IPC in Kukatpalli police station is arbitrary and illegal.

2 The case of the petitioner is that he is an employee in Cooperative Central Bank, Visakhapatnam and that an enquiry was conducted by the Divisional Cooperative Officer with regard to the working and financial position of the bank and for fixing up of the responsibility for the alleged irregularities committed by some of the officers and staff of the Cooperative Bank and the enquiry officer after making an enquiry held that he was not guilty of the charges leveled against him and absolved him from liability and so registering of a criminal case against him in connection with the alleged irregularities is improper.

3 The contention of the learned counsel for the petitioner is that inasmuch as the Deputy Registrar of Cooperative Societies, who conducted the enquiry clearly held that the petitioner is not guilty of the charges leveled against him, it is clear that the petitioner did not commit any offence and so registering of FIR against the petitioner is unwarranted. The contention of the learned Government Pleader for Home is that the police, after investigation, filed a charge sheet against the petitioner and others, and that the charge sheet was also taken on file and is numbered as C.C.No.368 of 2005 on the file of the Court of Additional Judicial Magistrate of I Class, Chodavaram and so question of quashing of the FIR does not arise.

4 Since the police, after investigating into the crime, laid a charge sheet against the petitioner, question of quashing FIR does not arise. So the petitioner has to approach the Magistrate and seek appropriate remedies available to him.

5 Therefore, granting liberty to the petitioner to approach the

Magistrate for appropriate relief, this writ petition is dismissed. No costs.

Justice C.Y.Somayajulu

11-10-2007

kvsn